

DOCKET NO: 201859US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jacques THEZE, et al.

SERIAL NUMBER: 09/720,828

FILED: 16 January 2001

FOR: PEPTIDES OF IL-2 AND DERIVATIVES THEREOF AND THEIR USE AS
THERAPEUTIC AGENTSRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTSASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Sir:

Responsive to the notification dated **05 APRIL 2001**, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith copy of the date-stamped filing receipt evidencing the filing of Rule 63 Declaration as well as a copy of the Declaration.

The required surcharge was paid at the time of filing the application.

Applicant has responded to the requirement to submit an initial substitute computer readable form (CRF) of the Sequence Listing in a separate submission.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P. C.**22850**Norman F. Oblon
Registration No. 24,618
Surinder Sachar
Registration No. 34,423

RECEIVED

MAY 21 2001

TECH CENTER 1600, 2000

O.S.&M. File No. 201859US0PCT By NFO/dpp FF

Due Date None

Serial No. 09/720,828

In the Matter of the Application of Jacques THEZE, et al.

For PEPTIDES OF IL-2 AND DERIVATIVES THEREOF AND THEIR
USE AS THERAPEUTIC AGENTS

COPY

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ ___ pps. Specification & ___ Claims (English Translation)
- ☒ Combined Declaration, Petition & Power of Attorney (5 pages)
- ☒ Submission of Declaration under 37 CFR 1.495
- ☒ PCT Transmittal Letter
- ☐ Verified Statement (Declaration) Claiming Small Entity Status
- ☐ Submission of Verified Statement (Declaration) Claiming Small Entity Status
- ☐ Check for \$ _____; ☒ Dep. Acct. Order Form
- ☐ Declaration of _____
- ☐ Assignment _____ pages/PTO-1595
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings ___ sheets
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement; ☐ PTO-1449
- ☐ Cited References ()
- ☐ _____ Search Report
- ☐ Statement of Relevancy
- ☐ Restriction Response ☐ Election Response
- ☐ Rule 132 Declaration
- ☐ Petition
- ☐ Notice of Appeal



Date Rec'd _____



UNITED STATES PATENT AND TRADEMARK OFFICE

URGENT

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231

U.S. APPLICATION NO.

THESE

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

022850

5071

INTERNATIONAL APPLICATION NO. 02/01424

OBLON SPIVAK MCCLELLAND MAIER & NEU
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

I.A. FILING DATE 07/16/99 PRIORITY DATE 07/16/98

04/05/01

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☒ Copy of the international application. ☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☐ Other:
☐ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
 7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

Barbara Campbell, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703 305-3631



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

09/720828

U.S. APPLICATION NO.

09/720,828

FIRST NAMED APPLICANT

THEZE

ATTY. DOCKET NO.

2018590S0PCT

022850

5071

OBLON SPIVAK MCCLELLAND MAIER & NEU

FOURTH FLOOR

1755 JEFFERSON DAVIS HIGHWAY

ARLINGTON VA 22202

INTERNATIONAL APPLICATION NO.

PCT/IB99/01424

I.A. FILING DATE

PRIORITY DATE

07/16/99

07/16/98

04/05/01

DATE MAILED:

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☐ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Barbara Campbell, Paralegal

Telephone: 703 305-3631



Docket No.: 201859US0PCT

ATTENTION: BOX SEQUENCE
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

OBLON
SPIVAK
McCLELLAND
MAIER & NEUSTADT
P.C.

ATTORNEYS AT LAW

RE: Application Serial No.: 09/720,828
Applicant(s): Jacques THEZE et al
Filing Date: January 16, 2001
For: PEPTIDES OF IL-2 AND DERIVATIVES
THEREOF AND THEIR USE AS
THERAPEUTIC AGENTS
Attn: **BOX SEQUENCE**

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NOBLON@OBLON.COM

DANIEL J. PEREIRA
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DPEREIRA@OBLON.COM
*REGISTERED PATENT AGENT

SIR:

Attached hereto for filing are the following papers:

- NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371
- NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES -
RETURN COPY
- PRELIMINARY AMENDMENT W/MARKED-UP COPY
- SEQUENCE LISTING (PAPER)
- COMPUTER-READABLE SEQUENCE LISTING (DISKETTE)

Our check in the amount of \$_____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
Registration No. 24,618
Attorney of Record

Daniel J. Pereira, Ph.D.
Registration No. 45,518

**22850**